

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

ANTHONY WESTBROOK

PLAINTIFF

VS.

NO. 4:13-CV-0415 JMM

DEPUTY CALVIN REED;
SHERIFF BRUCE PENNINGTON;
JOHN and JANE DOES 1-V; and
COUNTY OF SALINE

DEFENDANTS

**DEFENDANTS' CAUTIONARY RESPONSE
TO PLAINTIFF'S STATEMENT OF FACTS STILL IN DISPUTE**

Accompanying Plaintiff's Response to Defendants' Statement of Undisputed Facts, Plaintiff has set forth what he calls "Plaintiff's Statement of Facts Still in Dispute." Apparently, Plaintiff is relying on the second part of Local Rule 56.1 (b) in setting out these allegations. Although it does not appear that a response is necessary, these cautionary responses are set forth as follows:

1. Whether Anthony Westbrook violated Saline Detention Center rules when he cross [sic] the yellow line to retrieve papers.

RESPONSE: This is not a statement of fact. However, the deposition of Officer Reed makes it clear that crossing the yellow line to retrieve papers was a violation by Anthony Westbrook. See Exhibit D, pp. 23-4.

2. Whether Anthony Westbrook was resisting or causing a scene at the time he was placed in the restraint chair.

RESPONSE: This is not a statement of fact. But see affidavits of Reed (Exhibit F), McCloud (Exhibit C), and Drennan-McKinney (Exhibit G).

3. The reason Anthony Westbrook was placed in the restraint chair.

RESPONSE: This is not a statement of fact. The reason for his being placed in the restraint chair has been made abundantly clear in this case.

4. The reason Deputy Reed used physical force to slam Anthony Westbrook's head into the wall while Mr. Westbrook was restrained in the restraint chair.

RESPONSE: Not only is this not a statement of fact, it is a falsehood. See Defendants' Brief on this point.

5. The length of time Anthony Westbrook was kept in the restraint chair.

RESPONSE: This is not a statement of fact. See Defendants' Brief on this point.

/s/ George D. Ellis
GEORGE D. ELLIS (ARK. BAR NO. 72035)
Attorney for Defendants
Ellis Law Firm, P.A.
126 North Main Street
Benton, Arkansas 72015
(501) 315-1000 (telephone)
(501) 315-4222 (fax)
gellisinbenton@swbell.net

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of June, 2014, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to all parties in interest.

/s/ George D. Ellis
GEORGE D. ELLIS